

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFREY FRANZ, et al.,

Plaintiffs,

Case No. 21-cv-12871

HON. MARK A. GOLDSMITH

Vs.

OXFORD COMMUNITY SCHOOL DISTRICT, et al.,

Defendants.

**MOTION INSTANTER TO FILE A REPLY BRIEF TO DEFENDANT'S  
RESPONSE TO PLAINTIFFS' EX-PARTE EMERGENCY MOTION FOR  
LEAVE TO ISSUE RULE 45 SUBPOENAS, OR IN THE ALTERNATIVE  
FOR COURT ISSUED SUBPOENAS**

NOW COME Plaintiffs by and through their attorneys, *Fieger, Fieger, Kenney & Harrington, P.C.*, and file this Motion *Instanter* to File a Reply Brief to Defendant's Response to Plaintiffs' *Ex-Parte* Emergency Motion for Leave to Issue Rule 45 Subpoenas, or in the alternative for Court Issued Subpoenas. The local rules of the Eastern District of Michigan limit a reply to a response within seven (7) days, without prior leave of the Court. In this case, there is good cause shown for submitting a reply to a response beyond the seven (7) day limitation.

A reply to the response was due on or before December 23, 2021. At the time the reply was due, there was not a necessity for a reply. However, new information has become available on the evening of the filing deadline, which is pertinent to the Court's consideration of Plaintiff's emergency *Ex-Parte* motion.

In short, the purpose of the late filed reply is not to waste the Court's time, but to aid it in deciding the pending motion and offer information that was not available at the time Plaintiff's Reply to Defendant's Response was due.

Accordingly, Plaintiffs by and through their attorneys, *Fieger, Fieger, Kenney & Harrington, P.C.*, respectfully request that this Court grant the instant motion and allow for the filing of the attached Reply and allow Defendants the opportunity to issue a sur-reply within seven (7) days.

Respectfully submitted,

/s/Milica Filipovic

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*Fieger, Fieger, Kenney & Harrington, P.C.*

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Dated: December 29, 2021

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2021, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all participating attorneys.

/s/ Samantha M. Teal

**Legal Assistant to Geoffrey N. Fieger**